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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,919	12/07/2001	Kevin J. Urlaub	10017269-1	5334

7590 09/18/2003

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

5

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,919

Applicant(s)

URLAUB ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in Paper No. 4 is acknowledged.
2. Claims 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 4.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 5 line 12, item "p1". On page 5 line 15, items "c", "t", and "t1". On page 5 line 16, item "c1". On page 5 line 21, items "t2" and "c2". On page 6 line 3, item "t3". On page 6 line 4, item "c3". On page 6 line 9, items "t4" and "c4". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: On page 5 line 1, the phrase "fluid-flow lines 156 and 158" should be replaced with "fluid-flow lines 154 and 156".

Appropriate correction is required.

5. The use of the trademarks on page 3 lines 17, 24-25, and 28, page 4 lines 11-12 and 27, and page 5 line 4 have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-12, 21-23, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Blessing et al.

Blessing et al. discloses the same invention including a conveyor (Fig. 6) adapted to move the grasper (60 and 58) along an axis (Fig. 1) to move the work piece against a tear-off edge of a printer (Examiner notes that due to the structure of the apparatus disclosed by Blessing et al. it is capable of moving a work piece against a tear-off edge), a controller adapted to transmit a first signal to move the grasper and a second signal to tell the grasper to close the jaw (Fig. 3), that the controller receives signals that instructs the controller to transmit the first and second signals, an actuator attached to the conveyor (62), that the actuator comprises a slide (64), that the first jaw is attached to the slide (60), that a second jaw is fixedly attached to the actuator and

located opposite the first jaw (58), a controller, with a programmable logic device, connected to the conveyor and the actuator (Fig. 7), that the first jaw comprises a pad (Fig. 3), an electromechanical valve that receives the first and second signal and passes a flow of fluid to the conveyor or grasper (80), that the conveyor comprises a carriage (26) and a rail (24), that the carriage is slidably attached to the rail (Fig. 6) and fixedly attached to the actuator (66), that the actuator is attached to the conveyor so that the slide is oriented at an angle with respect to the conveyor (Fig. 4).

In regards to claims 1 and 12, the "tear-off edge" is not positively claimed. Since the "tear-off" edge is not positively claimed, it is looked upon as an intended use of the grasper, conveyor, and controller.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blessing et al. in view of Miller. Blessing et al discloses the invention including an electromechanical valve (80) fluidly connected to the conveyor and to the actuator (Column 5 lines 21-42) but fails to disclose that the electromechanical valve is electrically connected to the conveyor and to the actuator. Miller teaches an electromechanical valve with electrical connections (Column 1 lines 55-66). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention,

Art Unit: 3724

to have provided Blessing et al. with electrical connections for the electromechanical valve, as taught by Miller, to allow for an alternate operating means.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams, MacDonald, Andersson et al., Martinez et al., Andou, and Blalock et al.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

JP
September 8, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700